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Dated: October 19, 2010
Electronic Signature for James E. Armstrong, IV: /James E. Armstrong, IV/

Docket No.: 80441(302767)
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Naoyuki Kohno et al.

Application No.: 10/585,985

Confirmation No.: 1712

Filed: July 13, 2006

Art Unit: 1641

For: PROTEIN IMMOBILIZATION METHOD AND
QUANTIFICATION METHOD

Examiner: L. Y. B. Lum

PETITION FOR ACCEPTANCE OF AN
UNINTENTIONALLY DELAYED PRIORITY CLAIM

Mail Stop: Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir/Madam:

On July 13, 2006, Applicants filed the above-referenced application as a national stage application of International Application No. PCT/JP2005/000737 pursuant to 35 U.S.C. § 371. The originally filed Declaration for US Patent Application claimed foreign priority under 35 U.S.C. §119 of PCT/JP2004/000504.

As provided for under 35 U.S.C. 365(c), the present application was supposed to claim priority under 35 U.S.C. § 119 and 35 USC § 120 of both PCT/JP2005/000737 and PCT/JP2004/000504 when the present application entered into the national stage in the US.

However, the Applicant's representative drafted the Declaration claiming priority only under 35 U.S.C. § 119 by mistake. Applicants were unaware that Declaration did not properly claim priority for failure to recite the relationship of the instant application to the international applications until the deficiency was raised by the Applicants in July of 2010. At the time of signing the original Declaration, the Applicants did not notice the mistake. As a result, the Declaration claiming priority only under 35 U.S.C. § 119 was submitted to the US Patent and Trademark Office when the present invention entered into the national stage in the US. Herewith the Applicants submit a reexecuted Declaration, in order to properly claim priority under 35 U.S.C. §120.

37 C.F. R. §1.78(a)(3) provides that a petition to accept an unintentionally delayed claim under 35 U.S.C. §§120, 121, or 365(c) for the benefit of a prior-filed application must be accompanied by: (i) the reference required by 35 U.S.C. §120 and paragraph (a)(2) of this section to the prior-filed application, unless previously submitted; (ii) the surcharge set forth in § 1.17(t); and (iii) a statement that the entire delay between the date the claim was due under paragraph (a)(2)(ii) of this section and the date the claim was filed was unintentional.

Accordingly, Applicants file concurrently herewith an Amendment and Response in which page 1 of the application has been amended to recite the reference required by 35 U.S.C. §120 and 37 C.F.R. §1.78(a)(2). Applicants' attorney requests that \$1,410.00 to cover the surcharge under 37 C.F.R. § 1.17(t) be charged to Deposit Account No. 04-1105. Applicants state that the entire delay between the date the claim was due under 37 C.F.R. § 1.78(a)(2)(ii) and the date the claim was filed was unintentional.

Applicants believe that no fees, other than the surcharge, are required for entry and consideration of this paper. In the event that any additional fees are required for entry and consideration of this paper, Applicants hereby authorize the Director to charge such fees to our Deposit Account No. 04-1105, under Order No. 80441(302767).

Dated: October 19, 2010

Respectfully submitted,

Customer No. 21874

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Encls: Declaration (5 pages)